

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America)
v.)
JOHN HENRY STACKS, JR.) Case No: 3:01CR00135-001
Date of Previous Judgment: December 1, 2003) USM No: 08495-058
(Use Date of Last Amended Judgment if Applicable)) James Weidner
) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33 Amended Offense Level: 33
Criminal History Category: VI Criminal History Category: VI
Previous Guideline Range: 235 to 293 months Amended Guideline Range: 235 to 293 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain): Due to the multiple count adjustment rules pursuant to USSG §3D1.4 (Determining the Combined Offense Level), there is no change in the total offense level in this case. Therefore, Amendment 706 has no impact on the defendant's sentence.

III. ADDITIONAL COMMENTS

***The defendant is also serving consecutive sentences in Counts Four, Six and Eight for violations of 18 U.S.C. 924(c).

Except as provided above, all provisions of the judgment dated December 1, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 16, 2009



Lacy H. Thornburg
United States District Judge

Effective Date: _____
(if different from order date)

